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Rashonda Smith and  
Douglas Thrasher*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

vs.

DAVID WILLIS, et al.,

Defendants.

Case No. 2:17-cv-01121-APG-EJY

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
MOTIONS IN LIMINE  
(First Request)**

Defendants Rashonda Smith (Smith) and Douglas Thrasher (Thrasher), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Austin T. Barnum, Senior Deputy Attorney General, and Leo T. Hendges, Deputy Attorney General, hereby move this Court for an Extension of Time to File Motions In Limine concerning Plaintiff's proposed exhibit list, First Request.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL ANALYSIS**

This is an inmate civil rights action brought pursuant to 42 U.S.C. §1983. Lausteveion Johnson (Johnson) is an inmate lawfully in the custody of the Nevada

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Department of Corrections (“NDOC”), currently housed at Northern Nevada Correctional Center (NNCC).

At the Master Trial Scheduling Conference held on August 2, 2022, this Court ordered the parties to file Motions in Limine on or before August 12, 2022. ECF No. 121. Following that hearing, Johnson filed a proposed exhibit list consisting of thirty-nine (39) exhibits. ECF No. 124. Defendants have filed a Motion for Exclusionary Sanctions, seeking to have thirty-one (31) of those exhibits excluded from trial. ECF No. 126. Because these exhibits would be excluded by an Order of the Court granting the Motion for Exclusionary Sanctions, to preserve judicial economy Defendants submit this First Request for an Extension of Time to file Motions in Limine concerning Johnson’s proposed exhibit list. Johnson does not stipulate to the requested extension. Ex. A (Declaration of attorney Leo T. Hendges).

## **II. LEGAL STANDARD**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants’ request is timely and will not hinder or prejudice Johnson’s case as trial is set to begin October 31, leaving ample time for Defendants to file Motions in Limine if the exclusionary sanctions are denied. Johnson has also been made aware of Defendants’ intentions to object to the exhibits not found on the Joint Pre-Trial Order, and will not be taken by surprise or ambushed by any delay. See Ex. A.

Good cause exists to grant Defendants an extension of time to file Motions in Limine concerning Johnson’s proposed exhibit list because such filings would become moot if this Court grants Defendants Motion for Exclusionary Sanctions. Judicial economy is also served by granting the first requested extension of time, as this avoids the possibility of

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time and resources being wasted by the parties and court staff on thirty-one (31) Motions in Limine that are currently due by August 12, 2022.

**III. CONCLUSION**

Based on the foregoing, Defendants respectfully request that their Motion for an Extension of Time (first request) be granted. Defendants respectfully request that the deadline for Motions in Limine concerning Johnson's proposed exhibit list be extended to fourteen (14) days after this Court's Order on the Motion for Exclusionary Sanctions (ECF No. 126), if necessary.

**IV. LIST OF EXHIBITS**

Ex A – Declaration of attorney Leo T. Hendges.

DATED this 10th day of August, 2022.

AARON D. FORD  
Attorney General

By: /s/ Leo T. Hendges  
LEO T. HENDGES (Bar No. 16034)  
Deputy Attorney General

*Attorneys for Defendants*

IT IS SO ORDERED:

Dated: August 11, 2022

  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE